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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,339	07/03/2001	Paul T. Brescia	7000-078	2482
27820	7590	06/15/2005	EXAMINER	
WITHROW & TERRANOVA, P.L.L.C. P.O. BOX 1287 CARY, NC 27512			NGUYEN, HUNG T	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/898,339	BRESCIA, PAUL T.	
	Examiner	Art Unit	
	Hung T. Nguyen	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 February 2005.

2a) This action is **FINAL**.                                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-19 is/are allowed.

6) Claim(s) 20-23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/12/05.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al. (U.S. 6,353,398) in view of Lohtia (U.S. 6,560,456).

Regarding claim 20, Amin discloses a computer readable medium comprising software configured to instruct a computer (10c) to [ fig.5, col.4, line 51 to col.6, line 10 and col.8, lines 20-49 ]:

- determining an event occurrence [ figs.1-5, col.1, line 63 to col.2, line 20 and col.4, line 51 to col.6, line 10 ];
- determining location indicia / hospitals, dealers (70), stores / restaurants (60) [ figs.1-5, col.1, line 63 to col.2, line 20 and col.4, line 51 to col.6, line 10 ];
- sending information to a select communication device (50) when the event occurrence and the location indicia correlate with an event criteria and location criteria [ figs.1-5, col.1, lines 45-50 , col.2, line 53 to col.3, line 47 and col.4, line 51 to col.6, line 10 ].

Amin does not specifically disclose a phrase "user desired profile" in the system for notification that outlines when certain types of information are to be delivered.

However, Amin clearly teaches a system for notification includes a focus directed system (20a) combines the directed information system mention above with a selectively defined parameter may include demographic and other related criteria for linking specific information to a regionally located user as individual incomes, survey information of a user, buying history / pattern [ fig.3, col.4, lines 3-28 ].

Lohtia teaches the system for providing a short message service to communication devices such as wireline telephone (320), mobile phone (301) or other subscriber unit as a user requests data information such as stock quotations, location information, weather information, movie theatre, entertainment preferences or any other information as **the user profile is set** that the user may require from Internet (303), the World Wide Web or other sources via Distributed Wireless Web Information Service Gateway (302) which correlates identity information to a particular **user file in database (311)**. The information may be formatted according to a preselected configuration that is stored in a user service information profile. The service information profile database may be accessible to and serve one or more wireless networks [ figs.3-4, col.2, lines 37-56, col.4, lines 22-50, col.7, lines 16-42, col.8, lines 13-45 and col.10, lines 6-28 and abstract ].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Lohtia the system of Amin which user may receive any desired information based on time or predetermined times, location and event triggers that outlines when certain types of information are to be delivered.

Regarding claims 21-22, Amin does not specifically disclose the determining an event occurrence and location indicia with a plurality of **steps** as claimed by the applicant.

However, Amin clearly teaches the system for delivering information such as a notification or other content . The system for directing and receiving information to and from geographically relevant locations. The system links information from Internet or other databases when both the event occurrence and location indicia / hospitals, dealers (70), stores / restaurants (60) is actual location or area and proximity of to a location , the information is requested can be sent to the appropriate communication device such as a computer / hand-held mobile , webpage, e-mail system is selected by the user [ figs.1-4, col.1, line 63 to col.2, line 20 and col.3, lines 7-47 ] and

Lohtia teaches the system for providing a short message service to communication devices such as wireline telephone (320), mobile phone (301) or other subscriber unit as a user requests data information such as stock quotations, location information, weather information, movie theatre, entertainment preferences or any other information as **the user profile is set** that the user may require from Internet (303), the World Wide Web or other sources via Distributed Wireless Web Information Service Gateway (302) which correlates identity information to a particular **user file in database (311)**. The information may be formatted according to a preselected configuration that is stored in a user service information profile. The service information profile database may be accessible to and serve one or more wireless networks [ figs.3-4, col.2, lines 37-56, col.4, lines 22-50, col.7, lines 16-42, col.8, lines 13-45 and col.10, lines 6-28 and abstract ].

Therefore, it would have been obvious to one having ordinary skill in the art to have the teaching of Lohtia the system of Amin to provide directing information to users who met certain criteria.

Regarding claim 23, Amin discloses a method / a system for notification [ figs.1-3, col.1, lines 6-11 and col.2, lines 53-66 ] comprising:

- determining an event occurrence [ figs.1-4, col.1, line 63 to col.2, line 20 ];
- determining location indicia / hospitals, dealers (70), stores / restaurants (60) [ figs.1-4, col.1, line 63 to col.2, line 20 ];
- sending information to a select communication device (50) when the event occurrence and the location indicia correlate with an event criteria and location criteria [ figs.1-4, col.1, lines 45-50 and col.2, line 53 to col.3, line 47 ].

Amin does not specifically disclose a phrase “user desired profile” in the system for notification that outlines when certain types of information are to be delivered.

However, Amin clearly teaches a system for notification includes a focus directed system (20a) combines the directed information system mention above with a selectively defined parameter may include demographic and other related criteria for linking specific information to a regionally located user as individual incomes, survey information of a user, buying history / pattern [ fig.3, col.4, lines 3-28 ].

Furthermore, Lohtia teaches the system for providing a short message service to communication devices such as wireline telephone (320), mobile phone (301) or other subscriber unit as a user requests data information such as stock quotations, location information, weather

information, movie theatre, entertainment preferences or any other information as **the user profile is set** that the user may require from Internet (303), the World Wide Web or other sources via Distributed Wireless Web Information Service Gateway (302) which correlates identity information to a particular **user file in database (311)**. The information may be formatted according to a preselected configuration that is stored in a user service information profile. The service information profile database may be accessible to and serve one or more wireless networks [ figs.3-4, col.2, lines 37-56, col.4, lines 22-50, col.7, lines 16-42, col.8, lines 13-45 and col.10, lines 6-28 and abstract ].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Lohtia the system of Amin which user may receive any desired information based on time or predetermined times, location and event triggers that outlines when certain types information are to be delivered.

#### ***Allowable Subject Matter***

3. Claims 1-19 are allowed.

#### **Arguments & Responses**

4. Applicant's argument filed on Feb. 8, 2005 have been fully considered but they are not persuasive reasons in the following:

We believe that those skilled in the art may accept the combination of Amin & Lohtia can be used for rejections in claims 20-23. Please refer to above rejections.

### Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

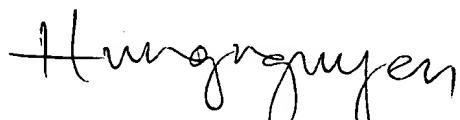
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTHS shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (571) 272-2981. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

HUNG NGUYEN  
PRIMARY EXAMINER



Examiner: Hung T. Nguyen

Date: June 10, 2005